

REMARKS

Claim 1 stands rejected under 35 USC 102(a) as anticipated by Lepitre. The rejection is respectfully traversed.

Lepitre describes a method that uses certain predetermined symbol rates and carrier frequencies (i.e. certain transmission methods) compliant with the V.34 standard. This method does not correspond to determining and storing transmission methods including the limitation "for different line parameters for a plurality of lines" as claimed. Specifically, the method described in Lepitre only includes two major steps: 1) the transfer function of the line that connects the modems is determined by transmitting test sequences; and 2) the optimal transmission rate for this line (having the determined transfer function) is chosen. In other words, the method of Lepitre only determines and stores the different transmission rates for a single line, (i.e. the line that is used in a predetermined environment). Lepitre does not disclose or suggest determining and storing at least one transmission method for a plurality of lines prior to establishment of a connection, as claimed. This difference is important because the claimed method can be used to optimize the transmission of data in a variety of environments, whereas Lepitre only describes determining a transmission rate for one certain transmission line as a part of a communication only over that specific line.

Since Lepitre fails to disclose or suggest "selecting the transmission method having the transmission speed in which the measured and stored line parameters are most compatible with a different plurality of line parameters for which at least one transmission method, with at least one transmission speed that represents a maximum data throughput rate, is determined and stored in memory," the claims are patentable over Lepitre.

Claims 2 and 4 stand rejected under 35 USC 103(a) as unpatentable over Lepitre in view of Brothers; and claim 3 stands rejected under 35 USC 103(a) as unpatentable over Lepitre in view of Brothers, further in view of Zirwas. Brothers and Zirwas are not cited by the Examiner as disclosing compatibility with different line parameters as required by the claimed invention. Accordingly, the claims are also patentable over the cited combinations of Lepitre, Brothers and Zirwas.

Claims 5-9 are allowable if rewritten in independent form to include any base and/or intervening claims.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Kevin R. Spivak

Reg. No. 43,148

Customer No. 29177

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